



JOSEPH R. BIDEN, III  
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE  
820 NORTH FRENCH STREET  
WILMINGTON, DELAWARE 19801

CONTACT JASON MILLER  
PUBLIC INFORMATION OFFICER  
PHONE (302) 577-8949  
CELL (302) 893-8939  
Jason.Miller@state.de.us

**Media Release**  
May 27, 2008

### **ATTORNEY GENERAL BIDEN PROTECTS ACCESS TO AFFORDABLE MEDICATION**

**Wilmington, DE** – Today Attorney General Beau Biden announced that Delaware consumers and the State will receive at least \$165,000 following an investigation involving consumer protection claims against Express Scripts Inc., a nationwide pharmacy benefits management company. As a result of the investigation, Express Scripts will make considerable changes to its business practices and pay \$9.3 million to 28 states and the District of Columbia and \$200,000 to patients who incurred expenses related to certain switches between cholesterol-controlling drugs.

“Today, we’re holding the pharmaceutical industry accountable for deceptive and illegal trade practices that have cost Delawareans money,” Attorney General Biden stated. “The Delaware Department of Justice will do everything within its power to ensure fair competition and lower prices for consumers.”

Delaware will receive \$100,000 which will be used to provide prescription medications to low-income, disabled and elderly residents, promote lower drug costs, and educate consumers about cost differences among medications. In addition, Express Scripts will pay \$65,000 to the Delaware Consumer Protection Fund to reimburse the State for costs associated with its investigation.

The Delaware Department of Justice alleges that Express Scripts engaged in deceptive business practices. In particular, Express Scripts may have overstated the cost benefits of switching to certain preferred medicines. Moreover, Express Scripts did not clearly disclose that rebates accrued from drug switches would be earned by Express Scripts.

Express Scripts is required under the agreement to make several changes, including:

- not encouraging drug switches that cost more, have only minimal savings, are for drugs not subject to market competition, or are away from drugs whose patents are about to expire
- not switching the medication of the same patient twice in a two-year period
- disclosing Express Scripts’ financial incentives for drug switches, including rebates paid to Express Scripts by drug companies, the promotional support provided by drug manufacturers, and the actual cost savings of drug switches

Express Scripts and other pharmacy benefits management companies enter into contracts with employer health plans to process prescription drug claims, negotiate volume discounts with drug companies and retail pharmacies, and dispense drugs through mail order pharmacies.

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